



PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:

Public Notice Number: 2007-1002-WF1

Issue Date: **October 11, 2007**

Expiration Date: **November 13, 2007**

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Vista Development Group, LLC
302 Washington Avenue Extension
Albany, New York 12203

ACTIVITY: Discharge fill material into wetlands and other waters of the United States to facilitate the development of a Technology Park.

WATERWAY: Wetlands and unnamed tributaries associated with the Normans Kill, which flows into the Hudson River.

LOCATION: Towns of Bethlehem and New Scotland, Albany County, New York

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE,
otherwise, it will be presumed that there are no objections to the activity.

CENAN-OP-RE
PUBLIC NOTICE NO. 2007-1002-WFI

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

Based upon a review of the latest published version of the National Register of Historic Places, there may be sites eligible for, or included in, the Register within the permit area that may be affected by the proposed activity. Presently unknown archeological, scientific, prehistoric or historical data may be lost by work accomplished under the required permit. The New York District is undergoing consultation procedures to ensure compliance with the requirements and procedures set forth in the Advisory Council on Historic Preservation regulations at 36 CFR Part 800 and the Corps of Engineers regulations at 33 CFR Part 325, Appendix C.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

In addition to a required water quality certificate, the applicant has obtained or requested the following governmental authorizations for the activity under consideration:

NYS Dept. of Transportation
Albany County
Town of Bethlehem
Town of New Scotland

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact the Upstate Regulatory Field Office at (518) 266-6353 and ask for Heidi Firstencel.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>


Richard L. Tomer
Chief, Regulatory Branch

Enclosures

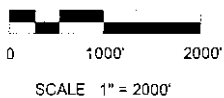
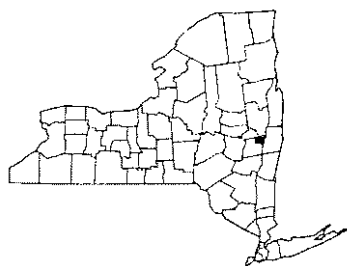
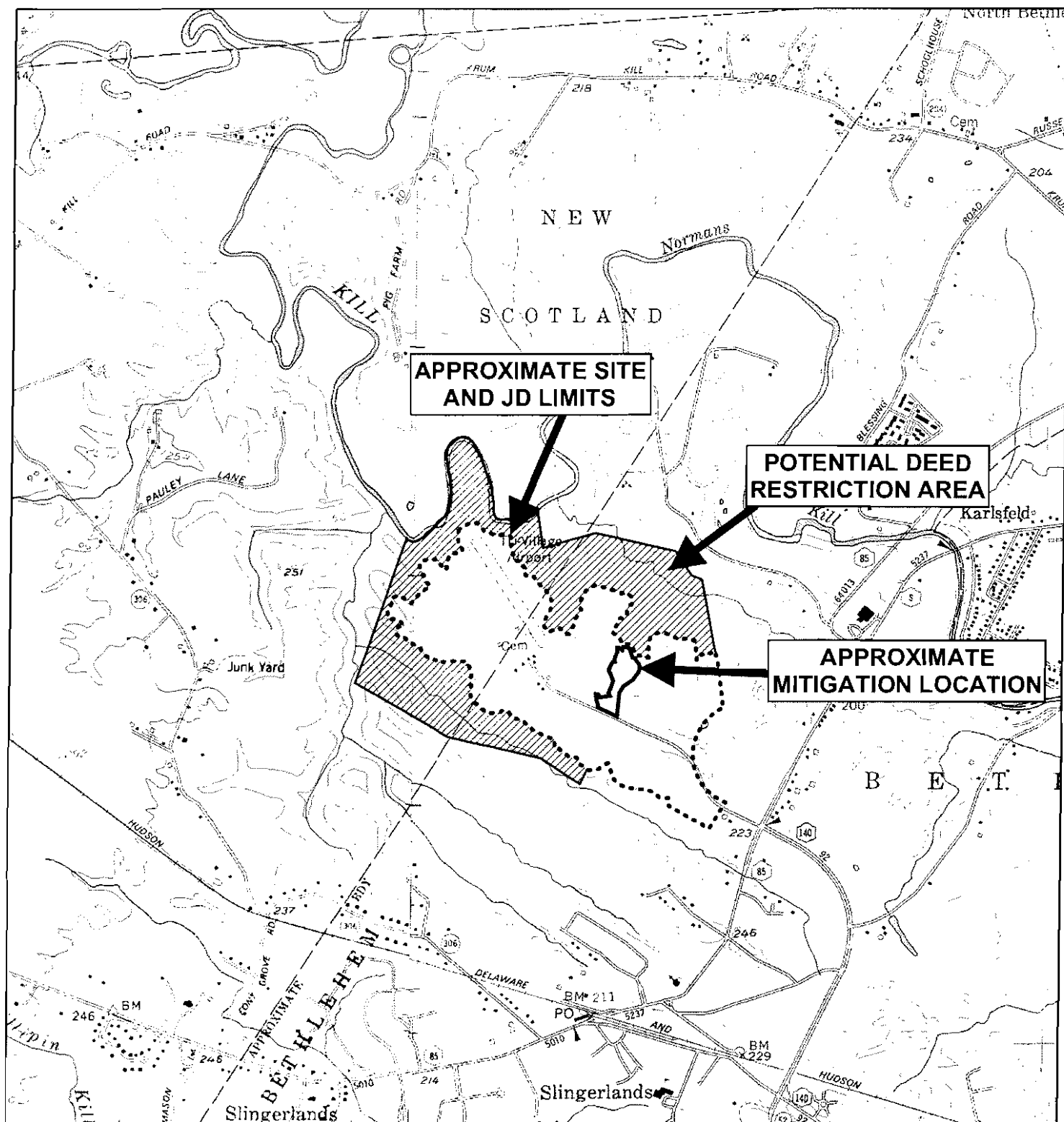
WORK DESCRIPTION

The applicant, Vista Development Group, LLC, has requested Department of the Army authorization for the discharge of fill material into waters of the United States to facilitate the construction of a mixed use, high technology business park known as the “Vista Technology Campus.” The 451-acre parcel is located on the west side of NYS Route 85 in the Towns of Bethlehem and New Scotland, Albany County, New York.

The work would involve the construction of approximately 1.4 million square feet of building area, connector roads, parking, and stormwater facilities on approximately 150 acres of the 451-acre site. Access to the site is proposed via two entrances from the Slingerlands Bypass. The full access entrance would be a roundabout on the bypass; the roundabout would be located at the existing site access and would not impact any wetlands or other waters of the United States. To facilitate the construction of the project, 2,337 feet of intermittent streams and 2.37 acres of wetland would be filled.

As mitigation for the impacts to the aquatic resources, the applicant is proposing to establish 3.28 acres of wetland and enhance 1.9 acres of adjacent upland. The wetlands to be established would be located on-site and would be comprised of a mix of emergent, scrub-shrub, and forested wetlands. The applicant further proposes to preserve approximately 155 acres of lands within the 451-acre parcel. The preservation area would include the protection of 4,000 feet of the Normans Kill and associated floodplain, 5,600 feet of perennial streams, over 13,000 feet of intermittent streams, as well as deciduous forested areas and steep slopes.

The stated purpose of this project is to develop a mixed use, technology business campus in the Towns of Bethlehem and New Scotland.



Appendix Figure C-1. Site Location

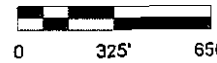
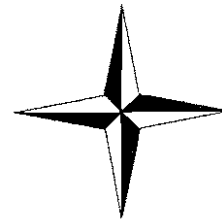
NYS DOT Topographic Map

Albany and Voorheesville Quadrangles
1985 and 1985
VISTA DEV. GROUP FIG. 7
2007-01002

LEGEND

	PROPERTY BOUNDARY
	CONTOURS (10' INTERVAL)
	OVERHEAD UTILITY
	500 YR. FLOOD PLAIN
	100 YR. FLOOD PLAIN
	SPOT ELEVATION
	EXISTING WETLANDS TO REMAIN
	WETLAND IMPACT
	WETLAND MITIGATION

NORTH



APPROXIMATE SCALE IN FEET

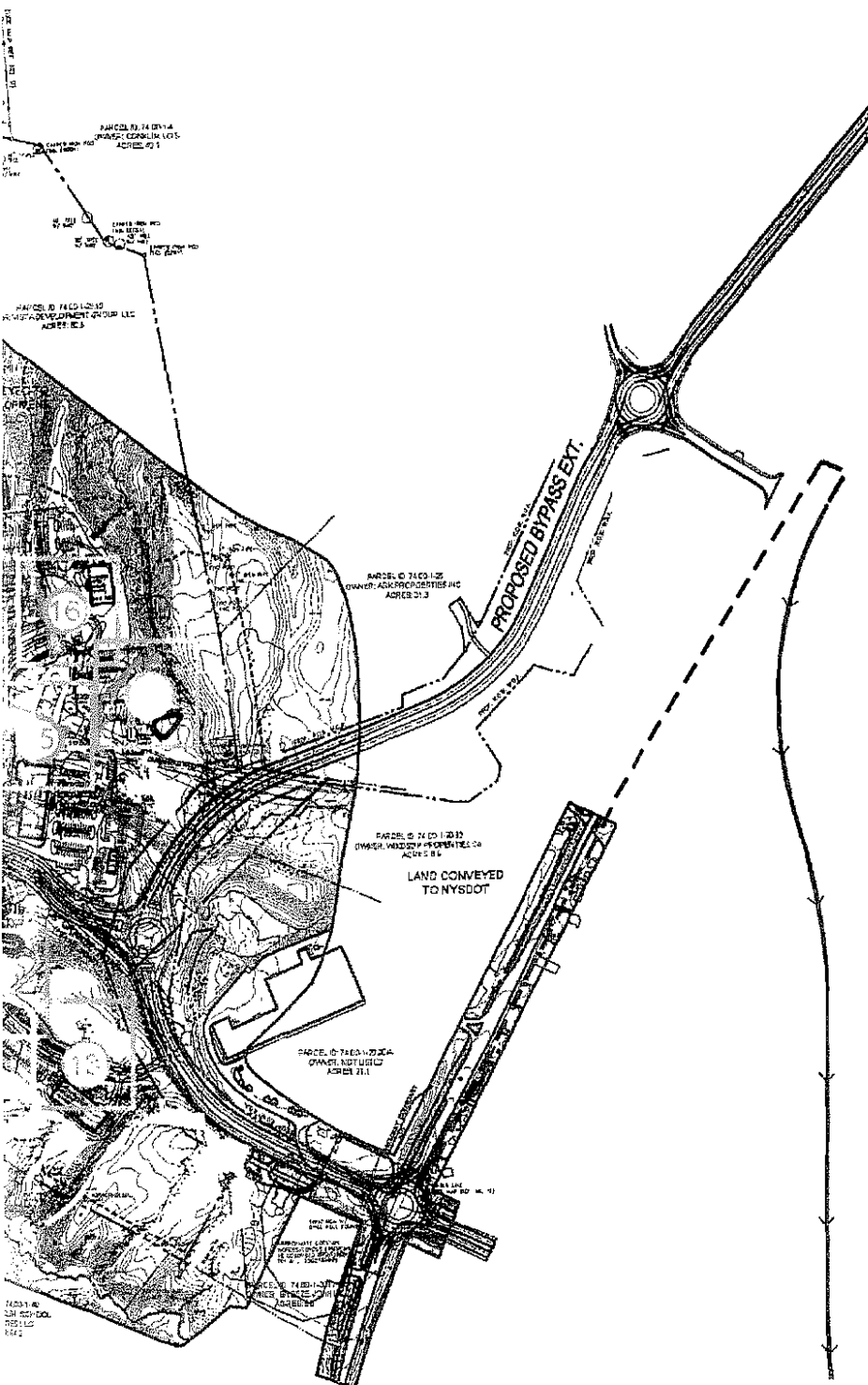
Figure Prepared by
Terrestrial Environmental
Specialists, Inc.

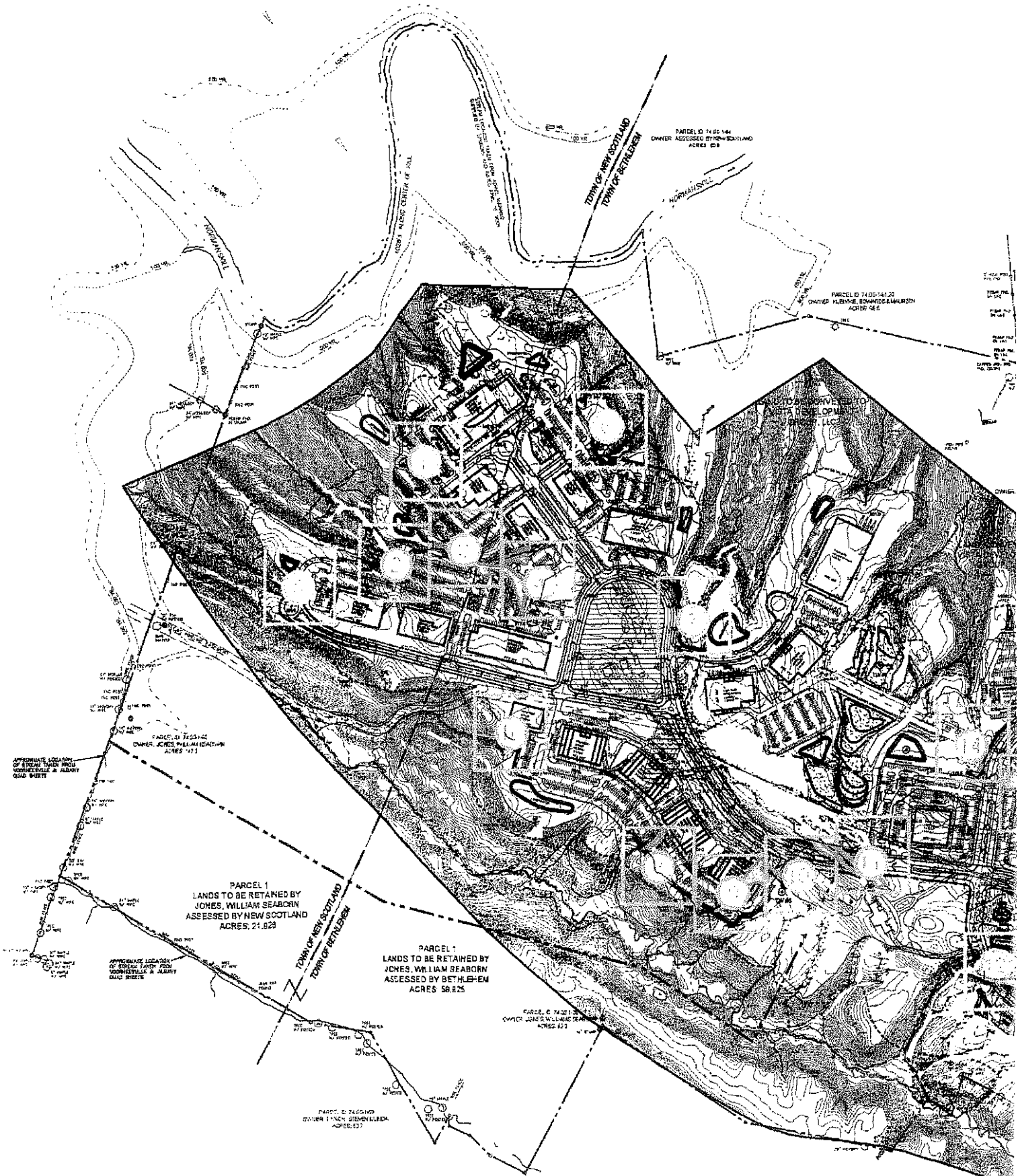
Map provided by
Saratoga Associates

Key Map of 50' Scale
Wetland Impact
Detail Sheets

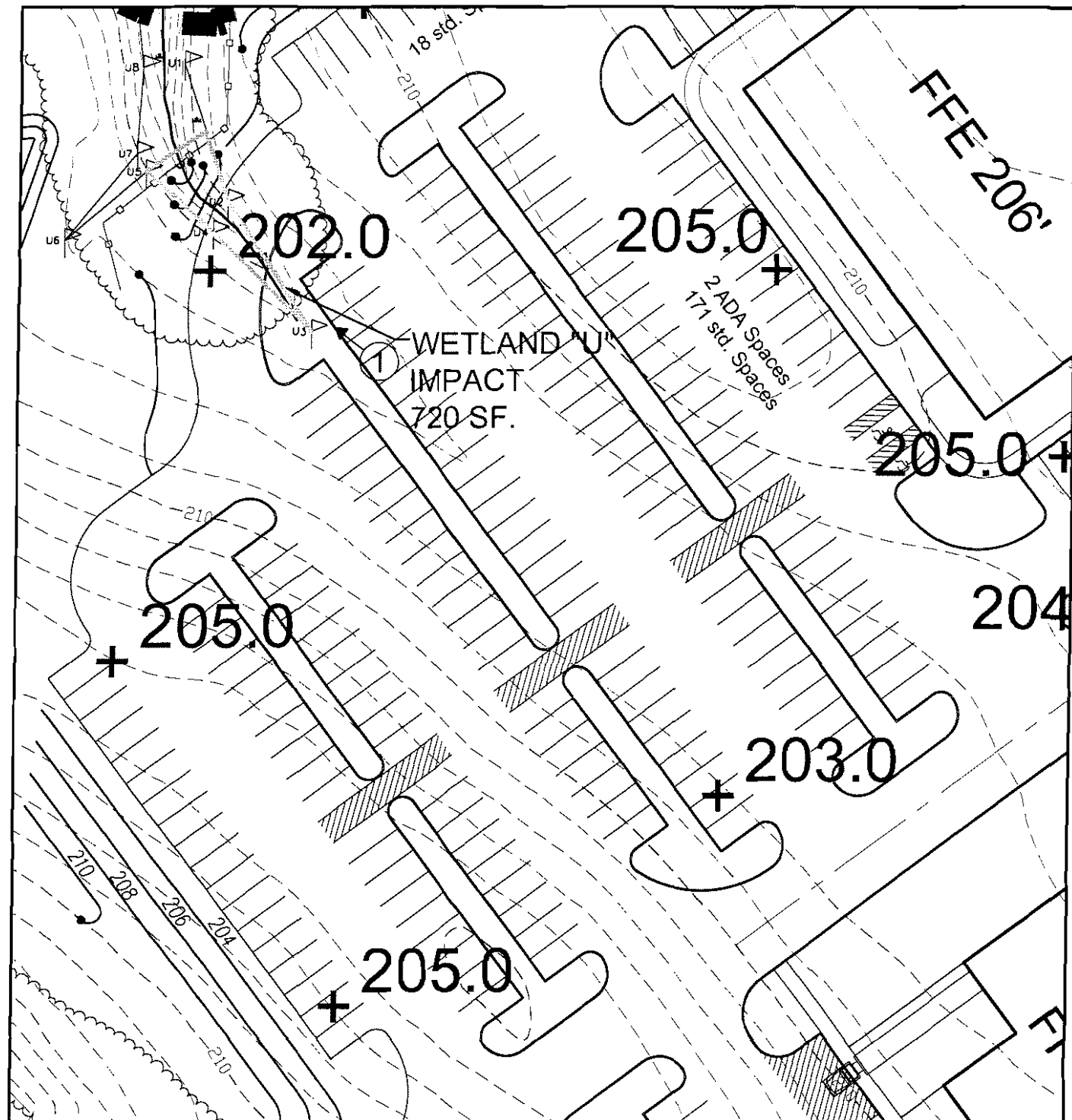
VISTA DEV. GROUP
FIG. 2
2007-01002

TES File: BBL-3103\Permit Application Information\
Impact Report\Figures & Tables\3103figE-new.dwg, 7-12-07



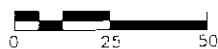


VISTA DEV. GROUP
FIG. 3
2007-01002



LEGEND

- EXISTING CONTOUR
- PROPOSED CONTOUR
- SILT FENCE



SCALE 1" = 50'

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ASSOCIATES

2007-01002
VISTA DEV. GROUP, FIG. 4, 2007-01002

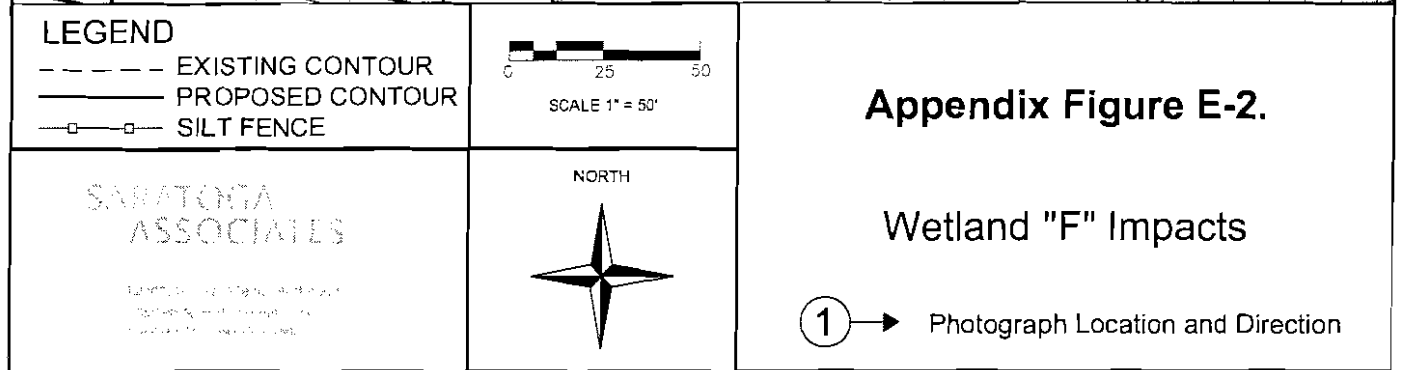
NORTH

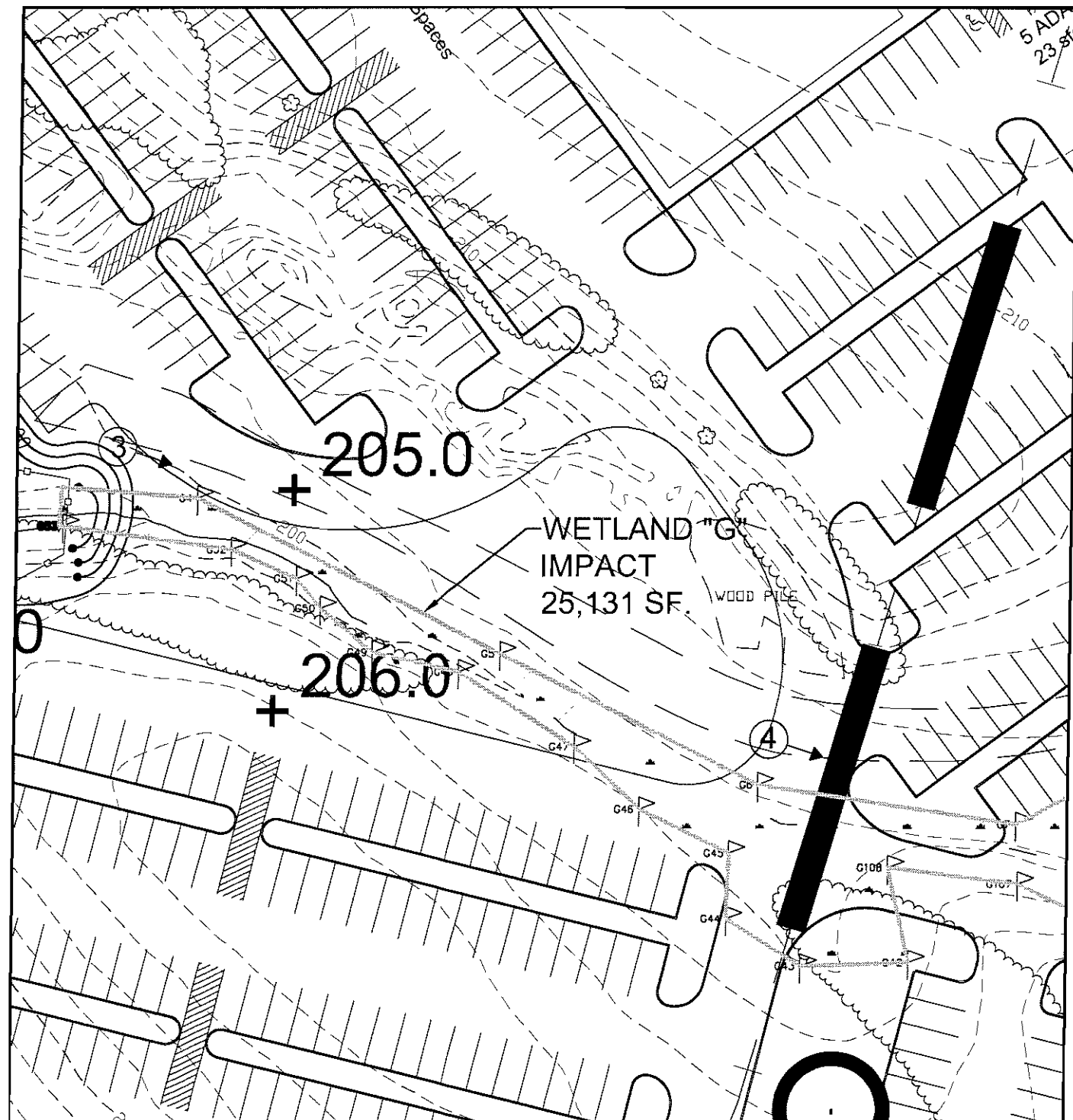


Appendix Figure E-1.

Wetland "U" Impacts

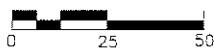
① → Photograph Location and Direction





LEGEND

- EXISTING CONTOUR
- PROPOSED CONTOUR
- SILT FENCE



SCALE 1" = 50'

SARATOGA
ASSOCIATES

Environmental Impact Statement
for the
Vista Development
in the Town of
Vista, New York

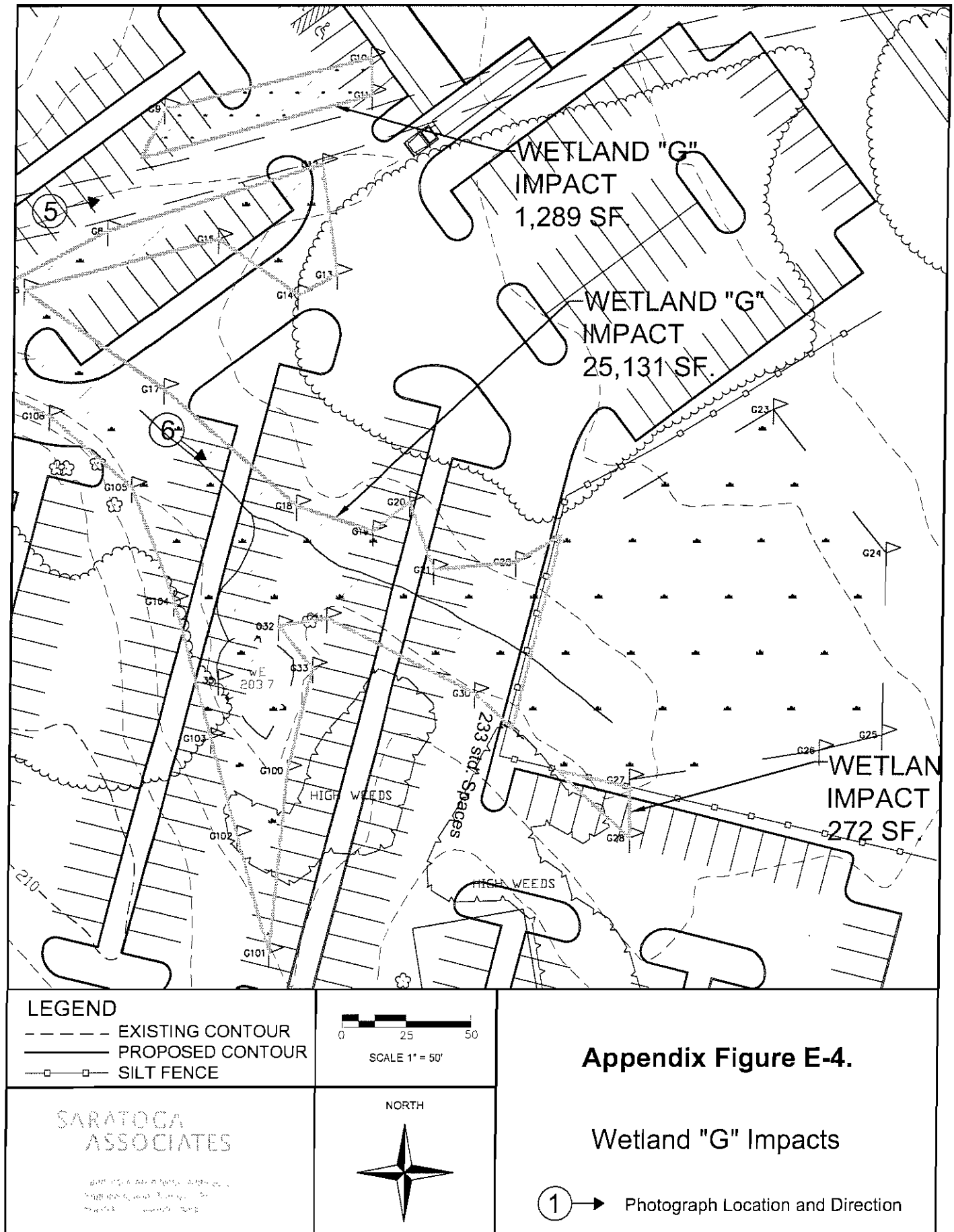
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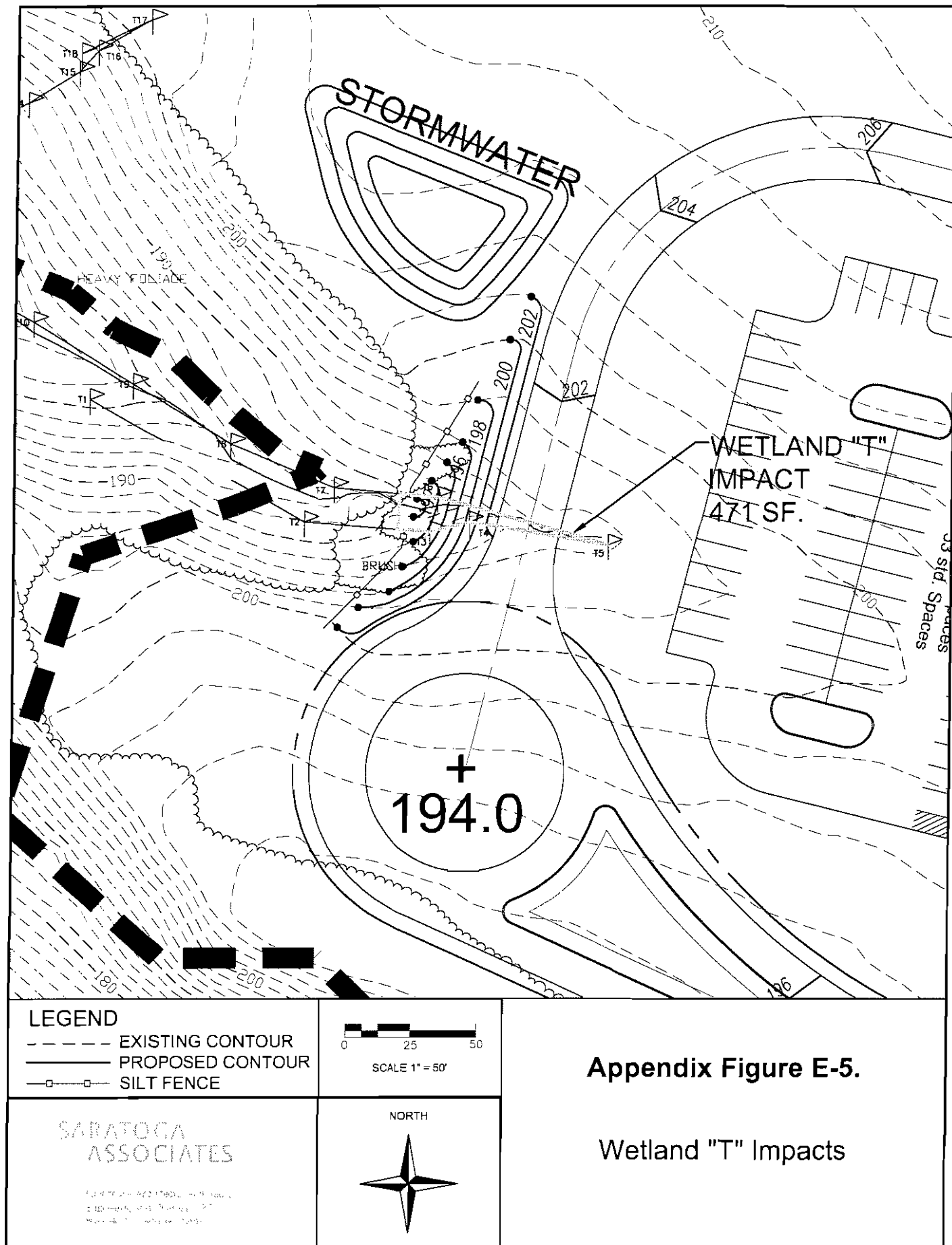


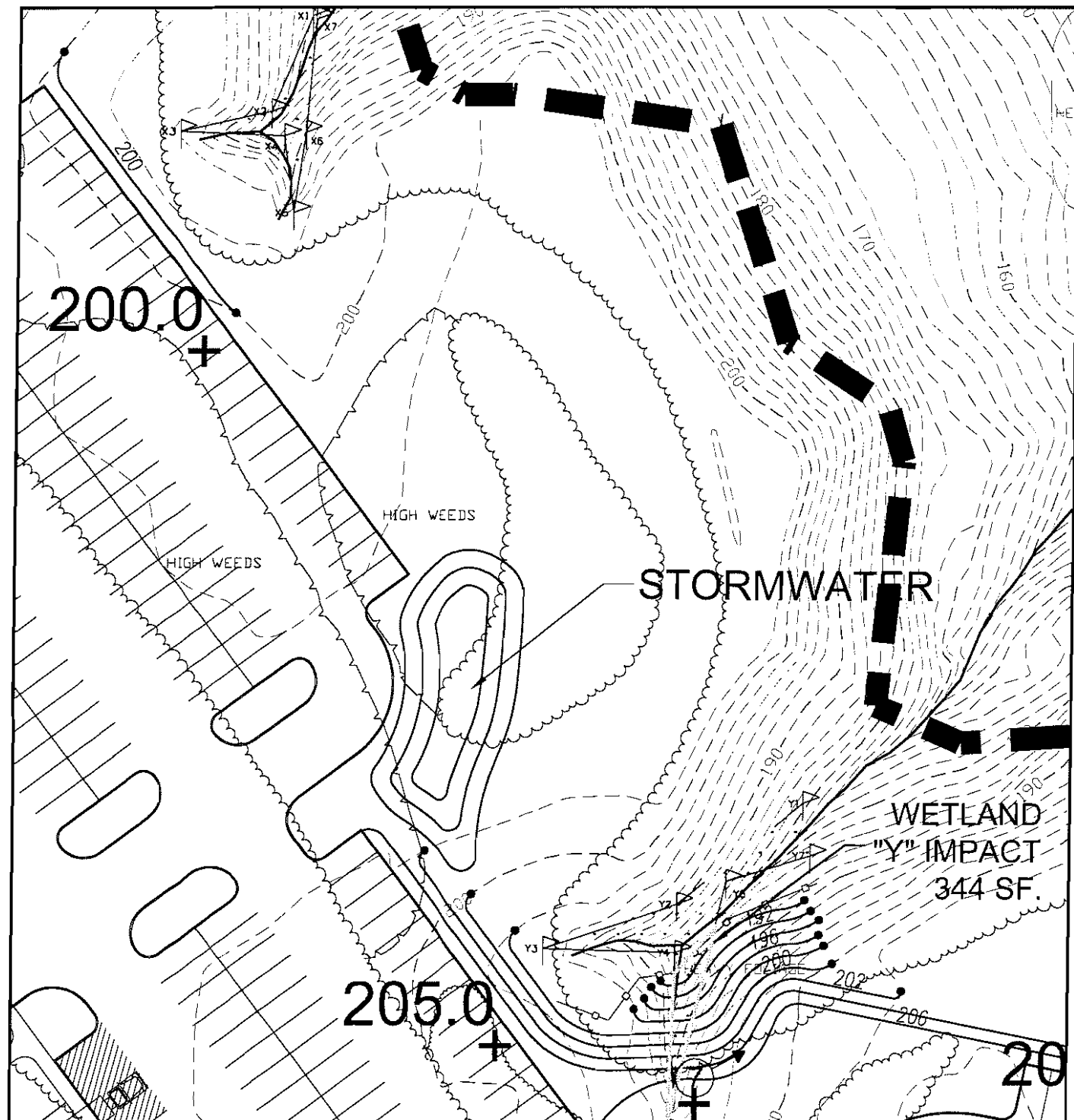
Appendix Figure E-3

Wetland "G" Impacts

① → Photograph Location and Direction

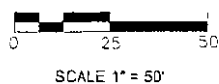






LEGEND

- EXISTING CONTOUR
- PROPOSED CONTOUR
- SILT FENCE



SARATOGA
ASSOCIATES

LANDSCAPE ARCHITECTS
2007-01002

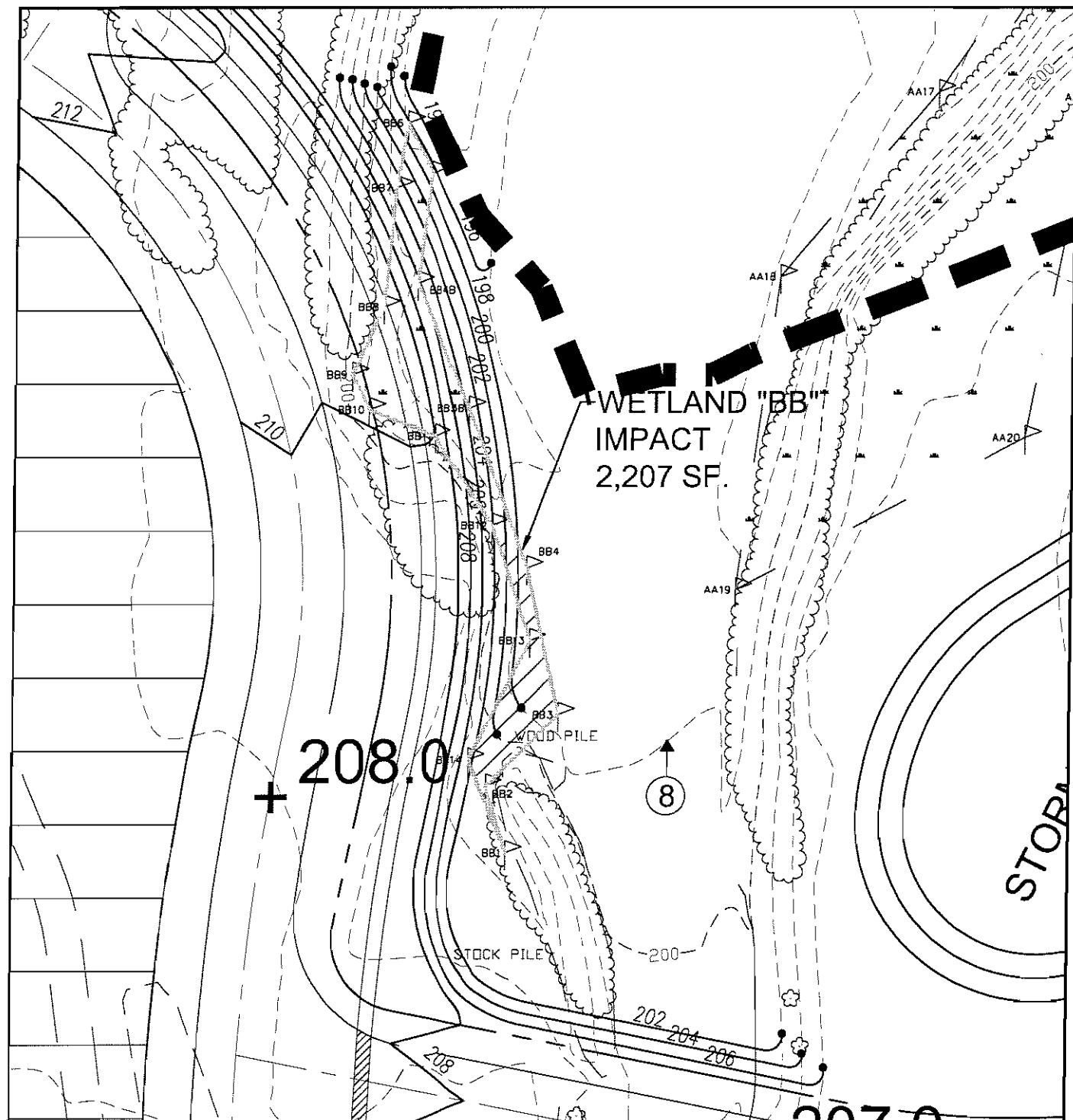
NORTH



Appendix Figure E-6.

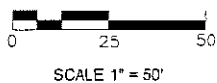
Wetland "Y" Impacts

① → Photograph Location and Direction



LEGEND

- EXISTING CONTOUR
- PROPOSED CONTOUR
- SILT FENCE



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100 West 1st Avenue, Suite 200
Albany, New York 12202
Tel: 518/435-1234

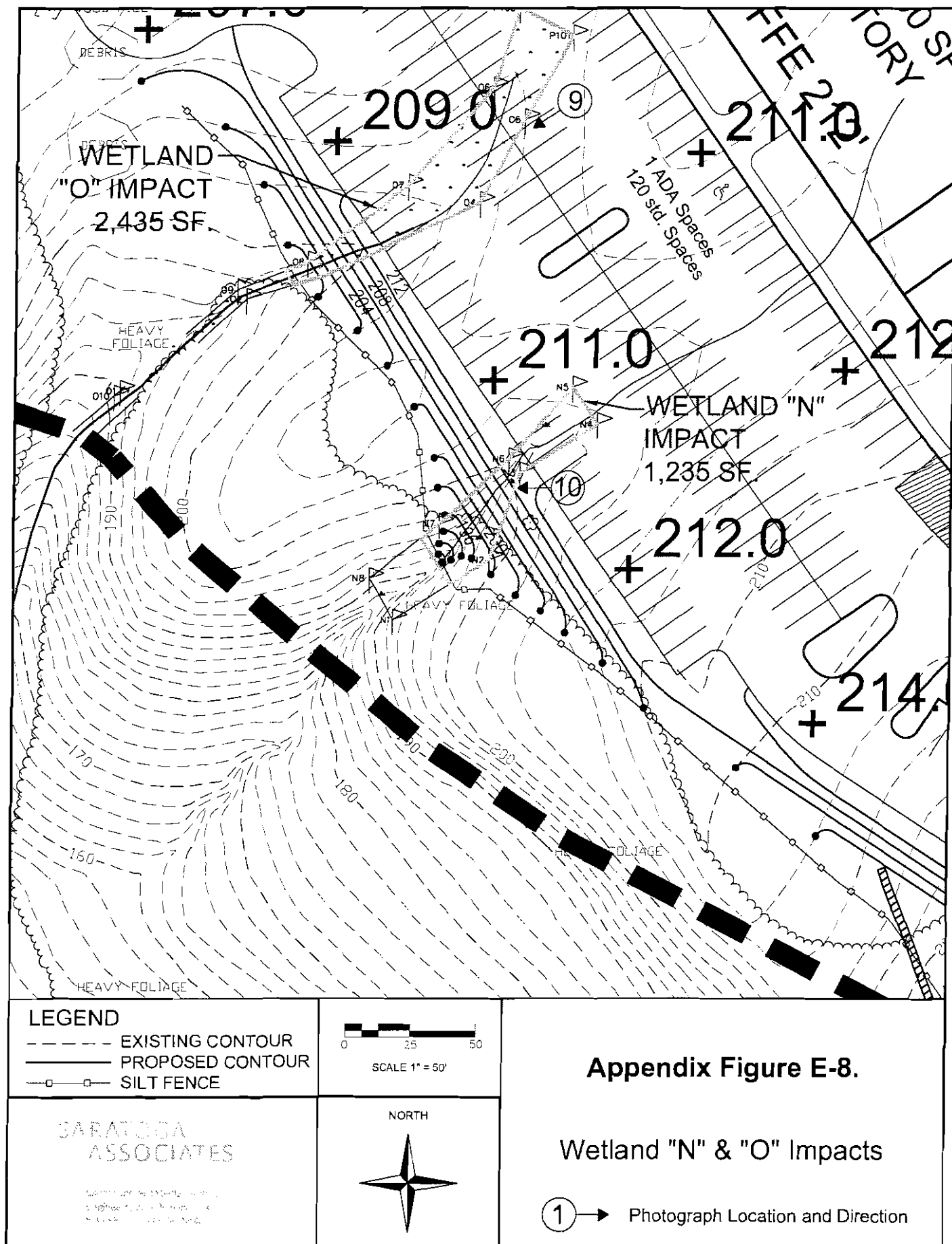
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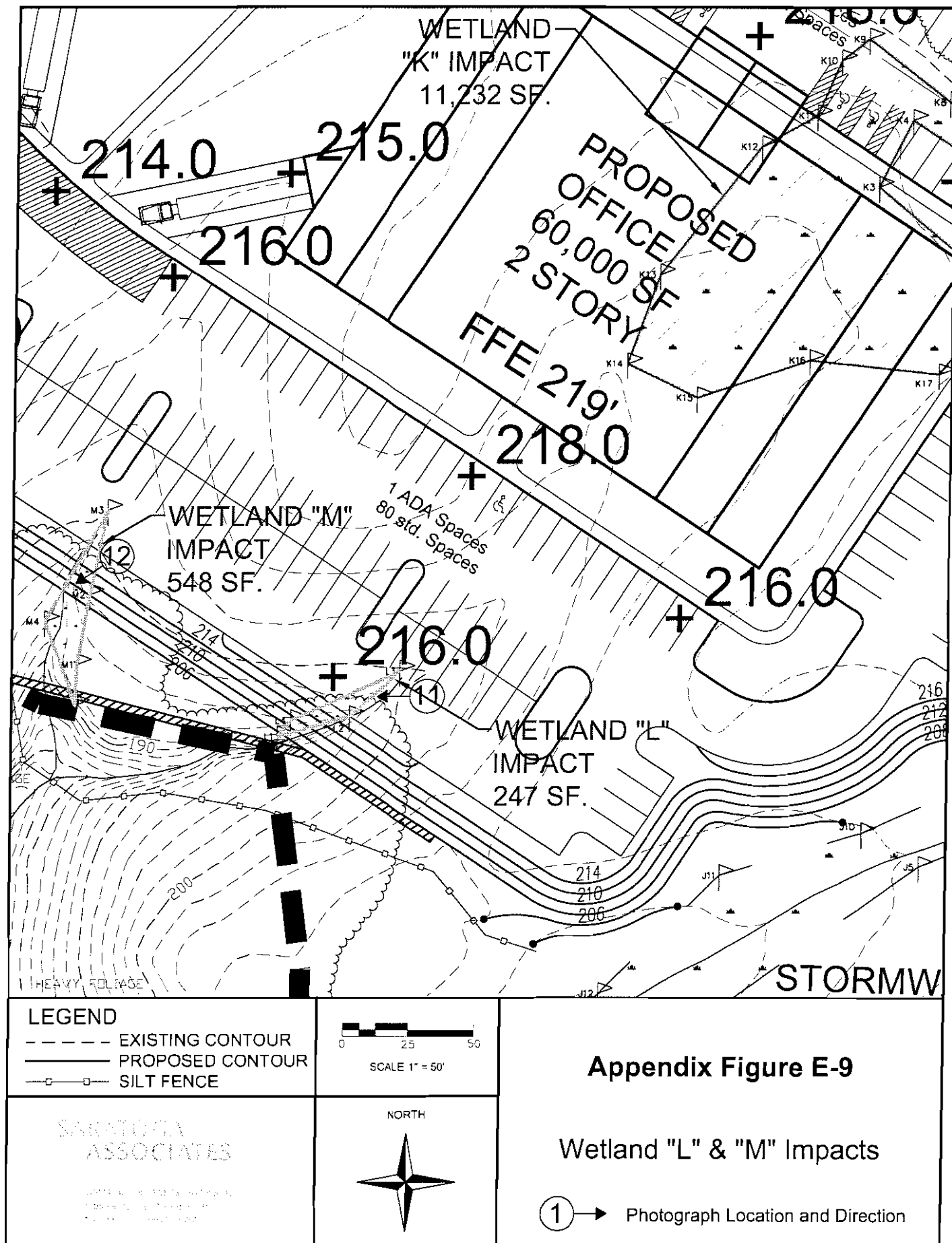


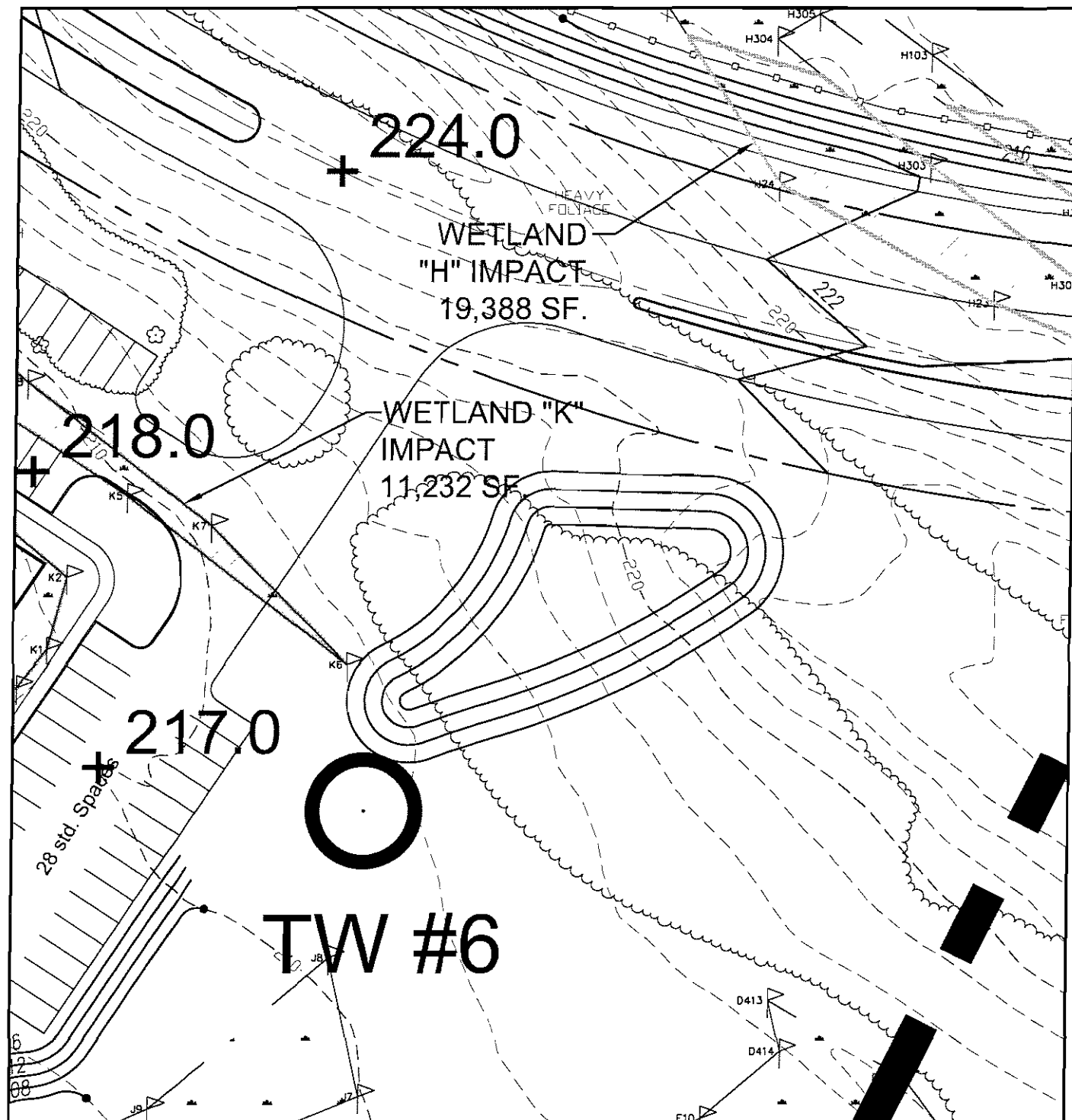
Appendix Figure E-7.

Wetland "BB" Impacts

① → Photograph Location and Direction

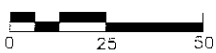






LEGEND

- EXISTING CONTOUR
- PROPOSED CONTOUR
- SILT FENCE



SCALE 1" = 50'

SARATOGA
ASSOCIATES

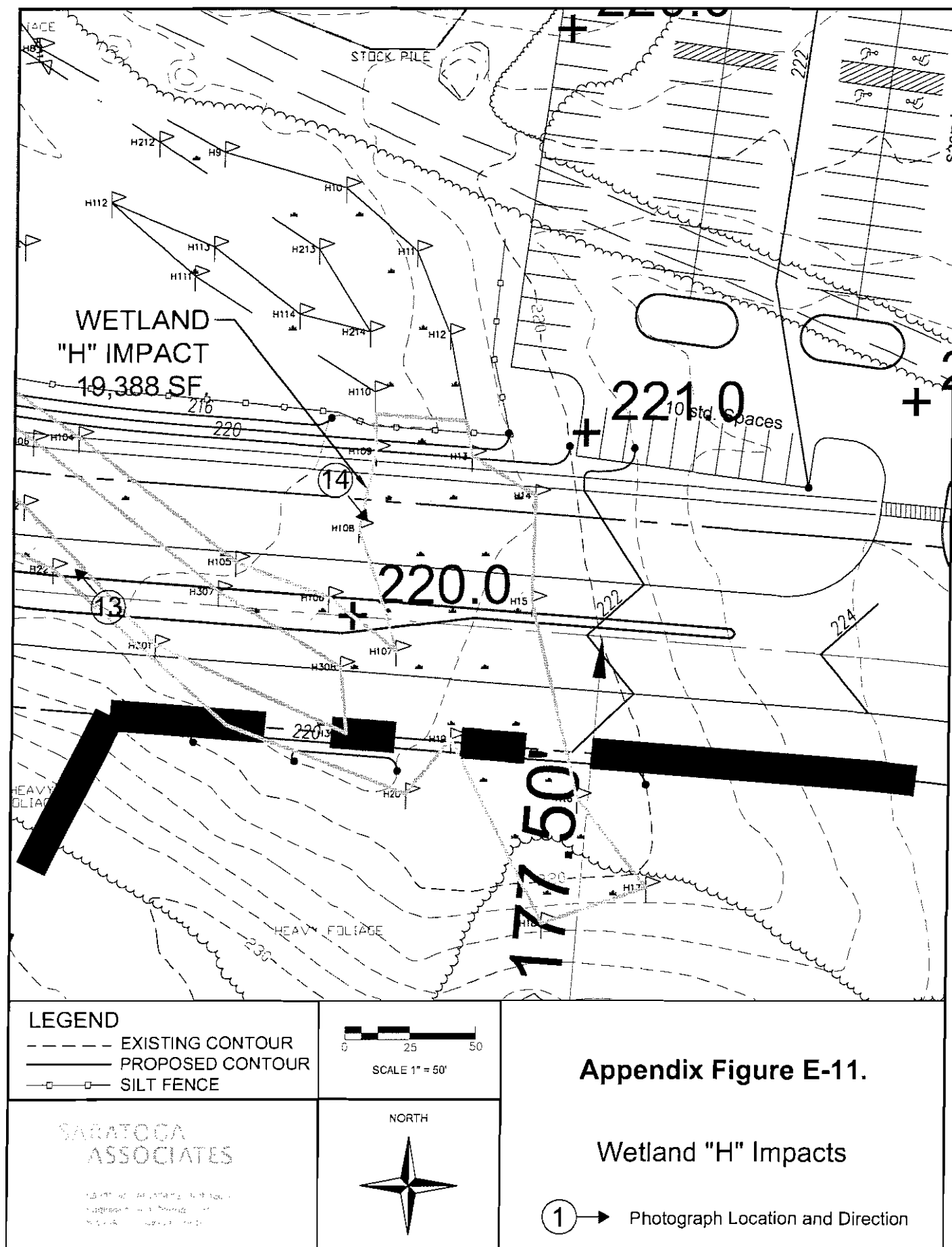
Wetland Delineation and Mapping
Engineering and Surveying
1000 West 10th Street, Suite 200
Saratoga, CA 95070
(408) 261-1111

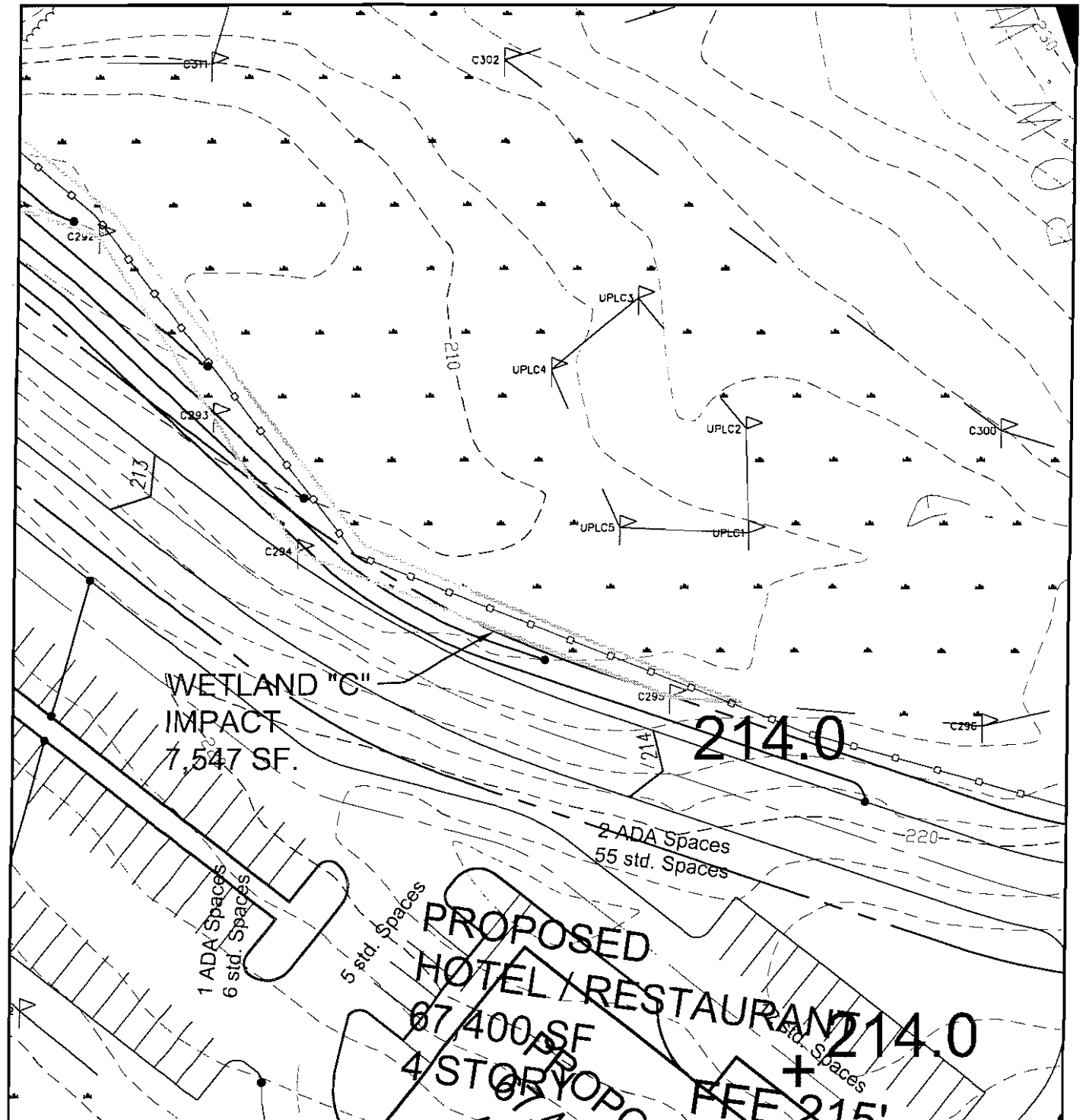
NORTH



Appendix Figure E-10.

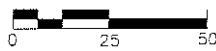
Wetland "K" Impacts
Isolated





LEGEND

- EXISTING CONTOUR
- PROPOSED CONTOUR
- SILT FENCE



SCALE 1" = 50'

SURATOGA
ASSOCIATES

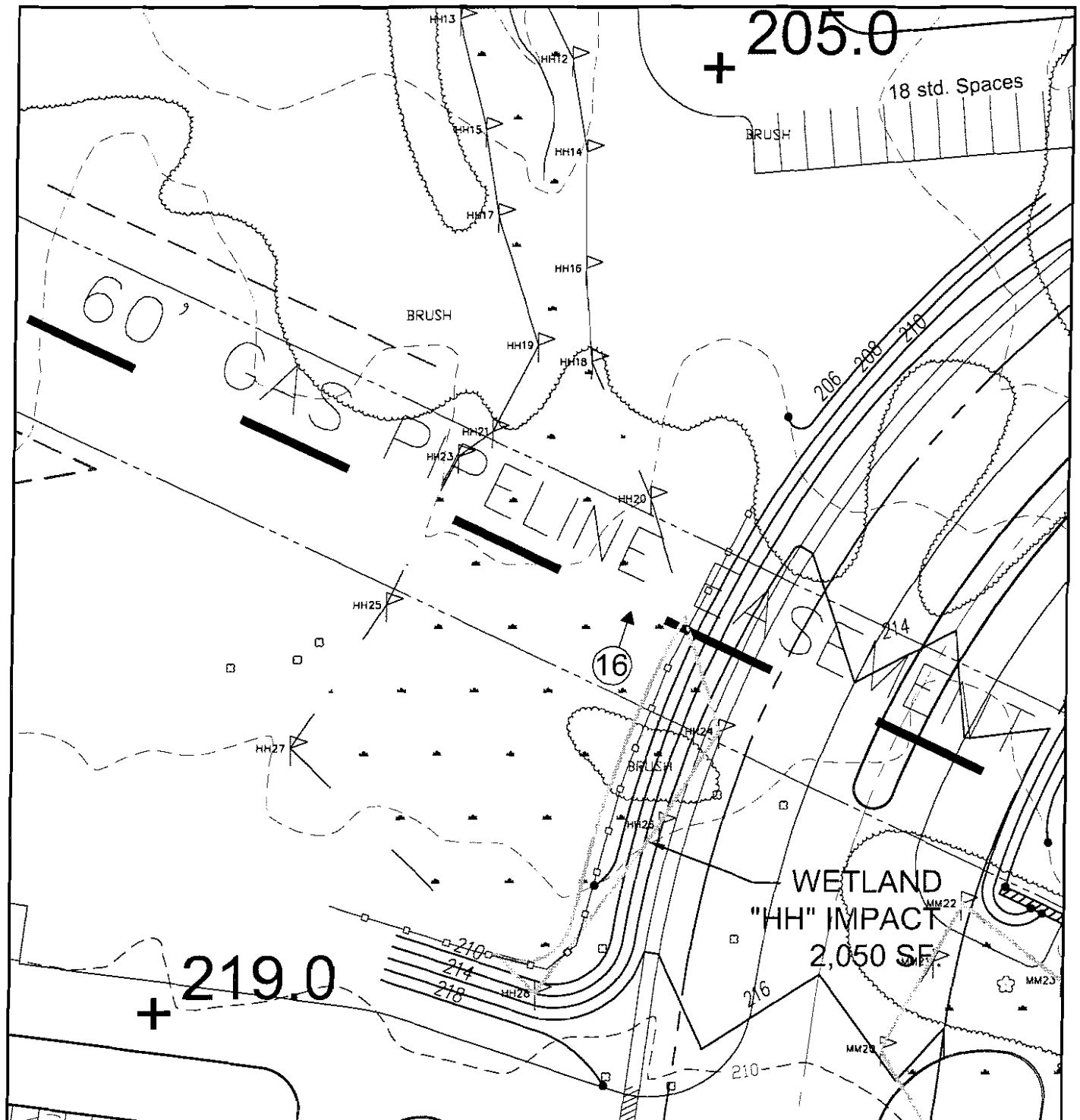
WETLAND IMPACT ANALYSIS
SURATOGA ASSOCIATES, INC.
10000 W. 100TH AVE., SUITE 100
DENVER, CO 80231
TEL: 303.440.1000
WWW.SURATOGA.COM

NORTH



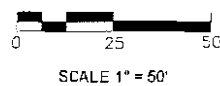
Appendix Figure E-13.

Wetland "C" Impacts



LEGEND

- EXISTING CONTOUR
- PROPOSED CONTOUR
- SILT FENCE



SARATOGA
ASSOCIATES

1000 North Ave. Suite 200
Saratoga Springs, NY 12158
Tel: 518.584.1100
Fax: 518.584.1101

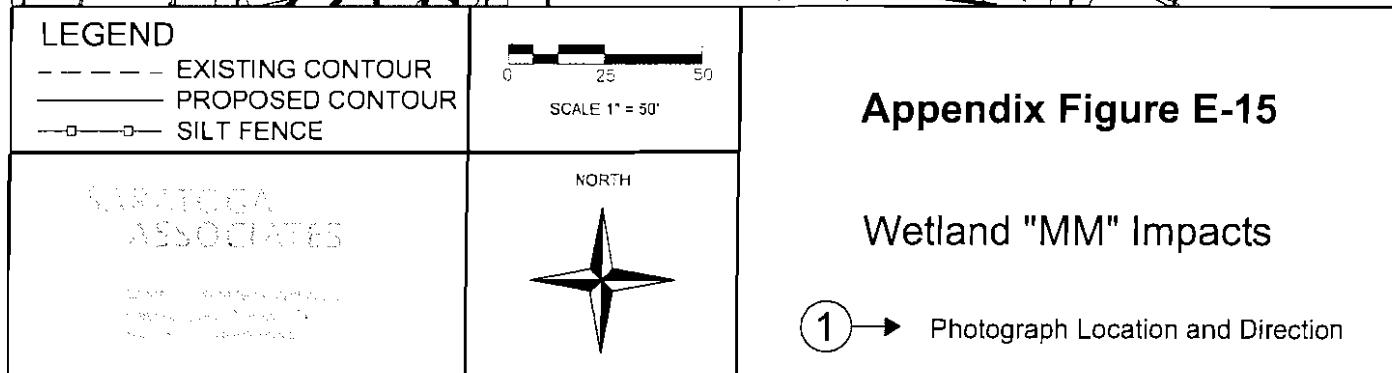
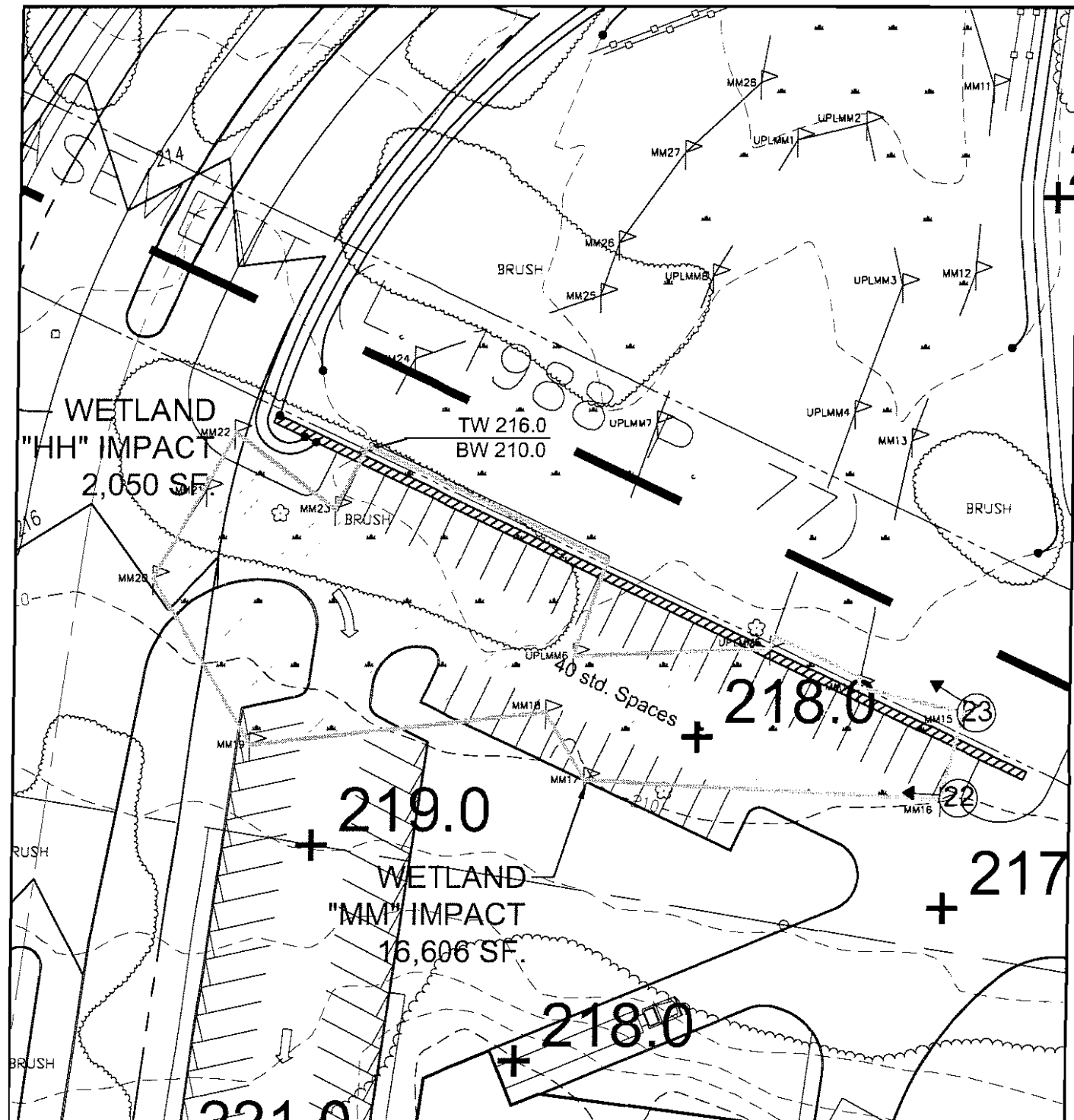
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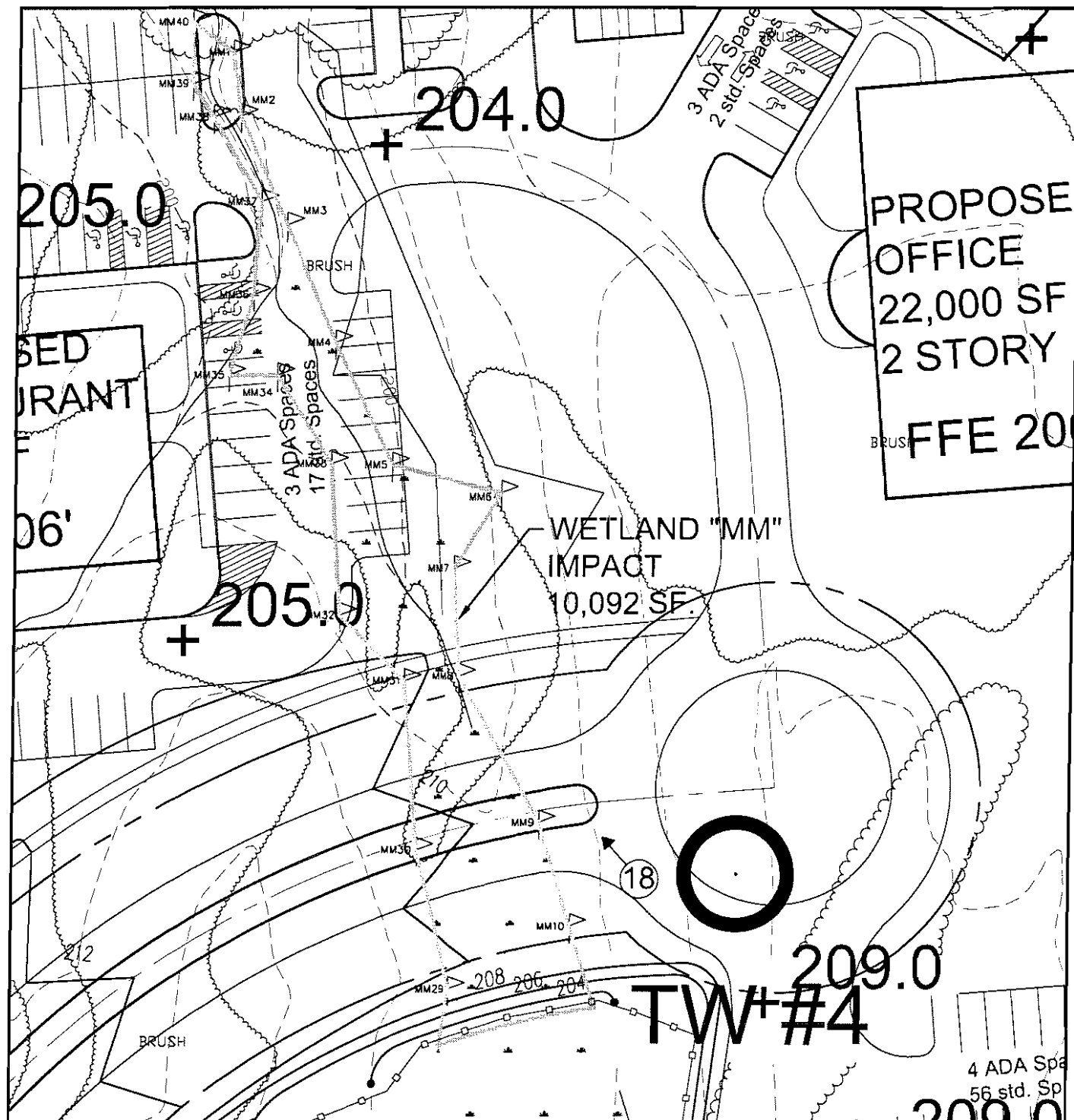


Appendix Figure E-14.

Wetland "HH" Impacts

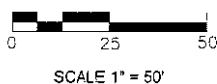
- ① → Photograph Location and Direction





LEGEND

- EXISTING CONTOUR
- PROPOSED CONTOUR
- SILT FENCE



SAATCHI & SAATCHI
ASSOCIATES

WETLAND "MM" IMPACTS
VISTA DEV. GROUP, FIG. 19, 2007-01002

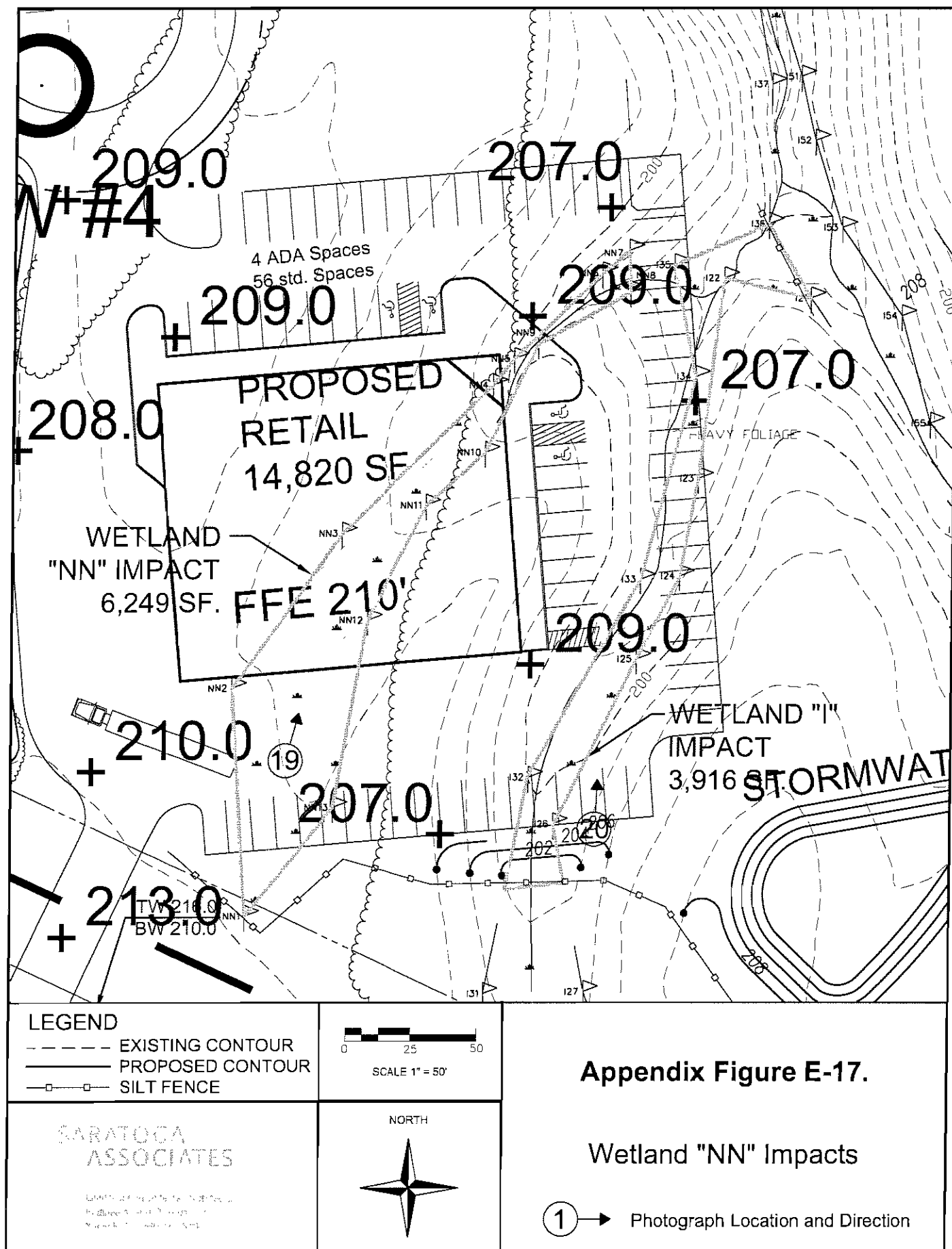
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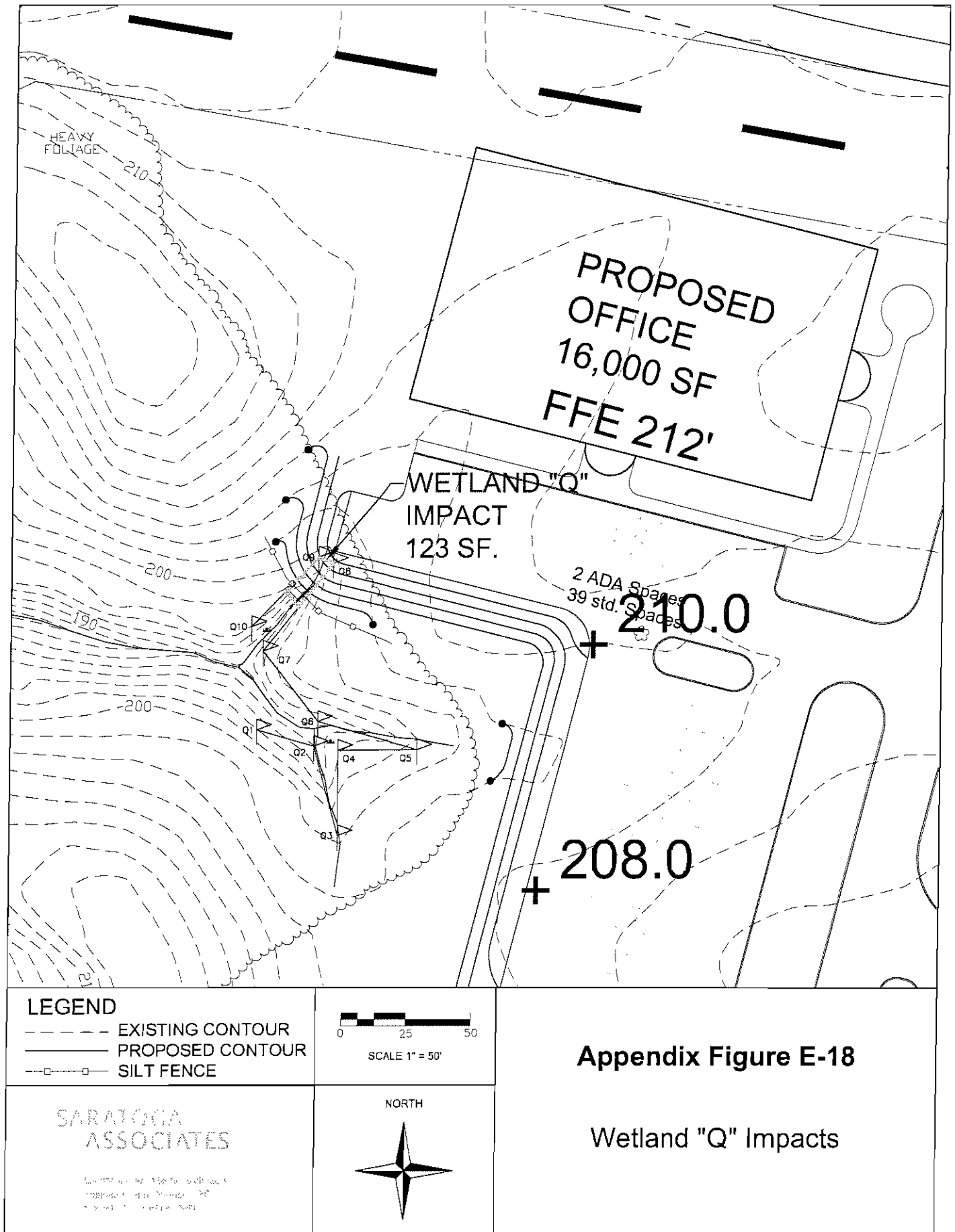


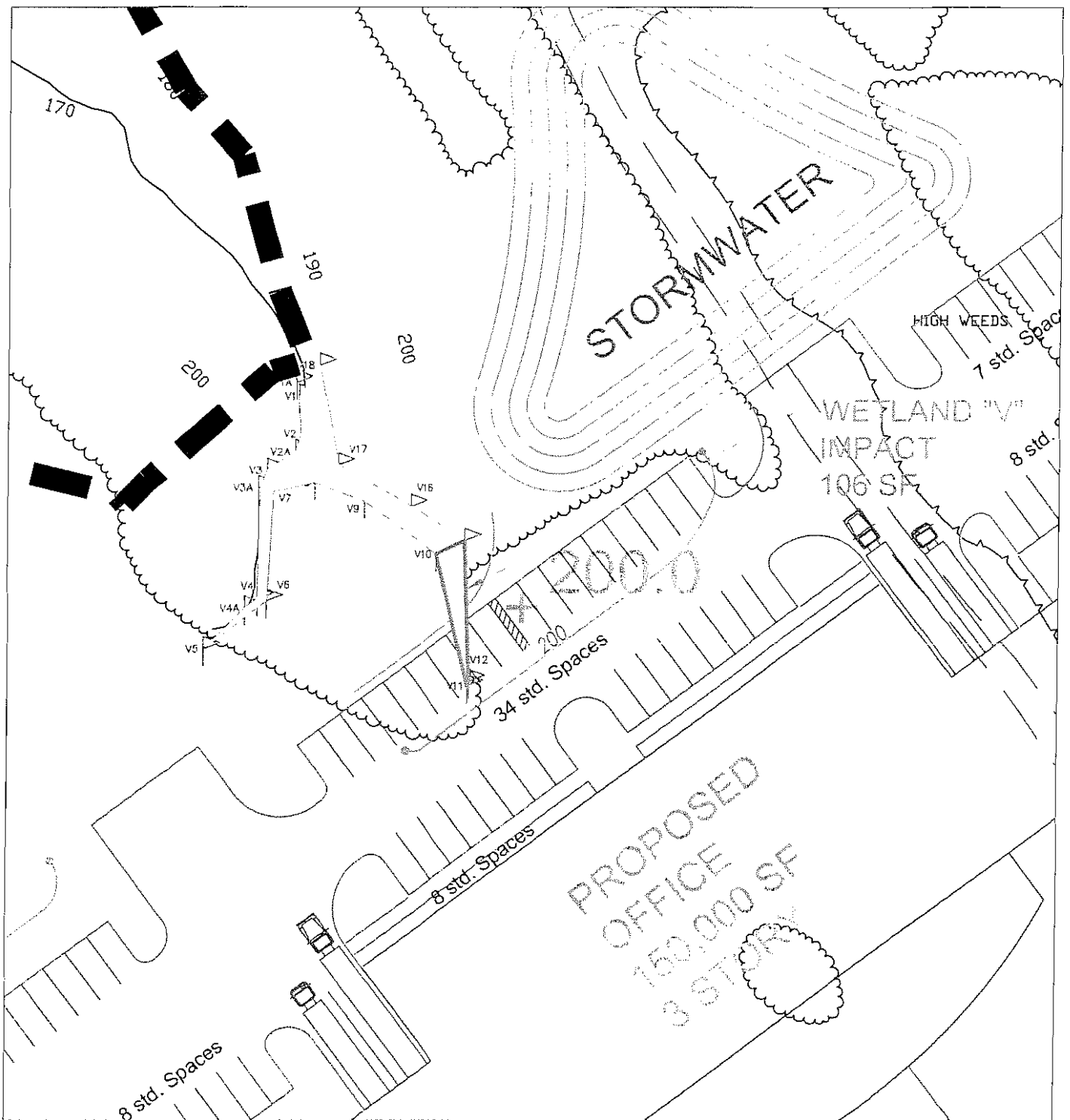
Appendix Figure E-16.

Wetland "MM" Impacts

- ① → Photograph Location and Direction

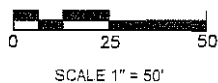






LEGEND

- EXISTING CONTOUR
- PROPOSED CONTOUR
- SILT FENCE



SARATOGA ASSOCIATES

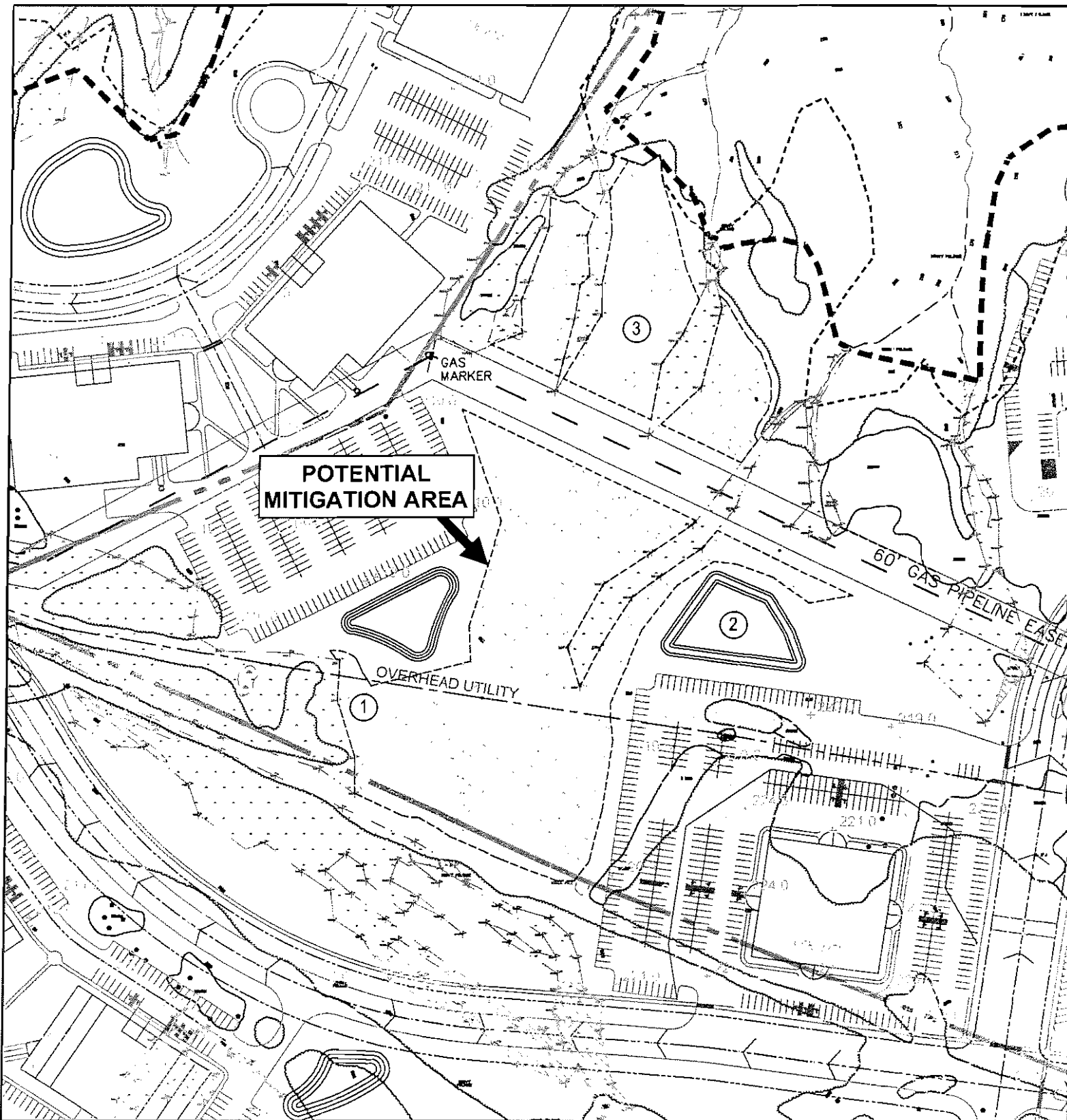
Landscape Architects, Architects,
Engineers and Planners, P.C.
BOSTON NEW YORK SARATOGA SPRINGS

NORTH

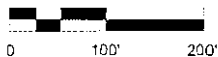
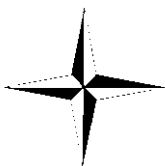


Appendix Figure E-19

Wetland "V" Impacts



NORTH



SCALE 1" = 200'

Figure Prepared by
Terrestrial Environmental
Specialists, Inc.

Base Map Provided by
Saratoga Associates

LEGEND

① - Approximate Well Location



- Mitigation Area

Appendix Figure C-6.

Well Locations and General Outline of Potential Mitigation Area

VISTA DEV. GROUP, Fig 23
2007-01002